

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
EDILANYI MABELL SURIEL MONTE DE OCA,

Plaintiff,

-v-

AGAPITO DELA CRUZ, et al.,

Defendants.

CIVIL ACTION NO.: 20 Civ. 8442 (VSB) (SLC)

**SCHEDULING ORDER**

SARAH L. CAVE, United States Magistrate Judge.

This matter having been referred to me to conduct an inquest and to report and recommend concerning Plaintiff's damages and attorneys' fees, it is hereby **ORDERED** that:

1. Plaintiff shall submit proposed findings of fact and conclusions of law concerning damages no later than **May 25, 2021**. Plaintiff must support all factual assertions by affidavit and/or other evidentiary material. Plaintiff's requested attorneys' fees and costs must be recorded in the form below, adding fields as necessary, and supported by evidentiary material.
2. Defendants shall submit their response to plaintiff's submissions, if any, no later than **June 8, 2021**. IF DEFENDANTS (1) FAIL TO RESPOND TO PLAINTIFF'S SUBMISSIONS, OR (2) FAIL TO CONTACT MY CHAMBERS BY JUNE 8, 2021 AND REQUEST AN IN-COURT HEARING, I INTEND TO ISSUE A REPORT AND RECOMMENDATION CONCERNING DAMAGES BASED ON PLAINTIFF'S WRITTEN SUBMISSIONS ALONE WITHOUT AN IN-COURT HEARING. See Transatlantic Marine Claims Agency, Inc. v. Ace

Shipping Corp., 109 F.3d 105, 111 (2d Cir. 1997) (“[I]t [is] not necessary for the District Court to hold a hearing, as long as it ensured that there was a basis for the damages specified in a default judgment.” (quoting Fustok v. ContiCommodity Services Inc., 873 F.2d 38, 40 (2d Cir. 1989))).

Plaintiff is directed to serve this Order on Defendants and file proof of service by no later than **May 25, 2021**.

Dated:           New York, New York  
                  April 23, 2021

SO ORDERED

  
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SARAH L. CAVE  
United States Magistrate Judge

<b><u>Requested Attorneys' Fees</u></b>			
<b>Timekeeper</b>	<b>Requested Rate</b>	<b>Requested Hours</b>	<b>Requested Total</b>
			<b>TOTAL:</b>

<b><u>Requested Costs</u></b>		
<b>Type of Expense</b>	<b>Evidence (with ECF cite)</b>	<b>Amount Requested</b>
		<b>TOTAL:</b>